P6

C.F. 71.

19 37

Department of Revenue

OFFICE Board of Revenue

STATION Madras

File No. 948

Dated 19.3.37

11-40
Clk
22/3/37

A 895/37

Urgent

Despr - Ancestral transfer
to
19.3.37

Enclosures
to Despr.
to
19.3.37

Pages in the file

(SUBJECT.)

Suit - Land Acqn - (South Kanara) - Mangalore
Kodialbail 'A' village - Site for the bungalow of the Dy
Superintendent of Police of South Kanara - L.A.C No. 7/36 - Subcourt
South Kanara - Appeal not necessary - Collr informed.

Ref.B3-4402-35.

South Kanara Collector's Office,
Mangalore, dated 6th March 1937.

From

A. D. Crombie, Esquire, C.I.E., I.C.S.,
Collector of South Kanara.

To

The Secretary,
Board of Revenue,
M a d r a s.

Sir,

Land Acquisition - Mangalore Taluk - Kodialbail 'A' village - site for the bungalow of the Dt. Superintendent of Police of South Kanara - L.A.C. 7/36 of the Sub Court, South Kanara.

B.P. M's. No. 653 dated 24- 2 - 1937.

I shall submit in due course a copy of my reply to paragraph 3 of G.O.No. 231 M's. Public Works Department dated 4th February 1937. The matter is under consideration and a joint inspection with the Dt. Superintendent of Police and Executive Engineer has been fixed for the 15th March.

2. Meanwhile I submit for the Board's perusal the copy of the judgment in L.A.C. 7/36 of the Subordinate Court of South Kanara with a copy of the decree. The award passed by Mr. E. M. Gawne had fixed the value of land at Rs. 2000/- per acre. This rate was enhanced by the Subordinate Judge to Rs. 3000/- per acre for the reasons given by him. The Government Pleader, Mangalore does not advise the filing of any appeal as the sole cause of difference is regarding the rate per acre of land and the Subordinate Judge has given good reasons in the judgment. I enclose a copy of the Local Government Pleader's opinion. I agree that it is not advisable to prefer an appeal in this case.

3. I append a statement explaining the difference in

compensation between Collector's award and Subordinate Judge's award.

For Collector.

6.3.37

Particulars of enhancement - T.S.1553/1B of Kodialbail A. (3.12 acres).

	Compensation awarded by Land Acquisition Officer.	Compensation as enhanced.
	Rs.	Rs.
(a) Value of land	6240	9360
(b) 15 %	968-1-0	1436
(c) Value of trees	213-7-0	213-7-0
Total ..	7421-8-0	11009-7-0
Add interest from 8-3-36 to 8-2-37.		197-5-5
		11206-12-5

3

Ref.No. A.68/37. Mangalore,

Dated 1 - 2 - 1937.

From

M.R.Ry. K. Sadashiva Rao, Avl., B.A.,M.L.,
Government Pleader,
Mangalore.

To

The Collector of
South Kanara,
Mangalore.

Sir,

Land Acquisition - site for bungalow for the District Superintendent of Police - L.A.C.No.7/36 Sub Court, South Kanara -certified copies of Judgment and decree.

M1-61 of H

I am herewith forwarding to you certified copies of the judgment, decree and the depositions of witnesses in L.A. C.No.7/36 on the file of the Sub Court. In the above case the crest of a hill about 3 acres and 12 cents in extent was acquired as being suitable for a bungalow for the District Superintendent of Police, leaving the slopes as useless. -- Rs.2000/- per acre was fixed by the Land Acquisition Officer as the fair market value of the plot. The claimants originally contended for a price of Rs.5000-0-0 per acre, but in the Sub Court they restricted their claim to Rs.4000-0-0 per acre. The question for decision before the Sub Judge was what is the fair market value of the land acquired. The Subordinate Judge has fixed the value of land at Rs.3000-0-0 per acre, after considering the evidence on behalf of the Government and the claimant.

para 22 P51 (H)

2 From the fact that the land was acquired for the bungalow of the official, it is clear that the plot was one suitable for building purposes and should be valued as such. The plot is situated in an elevated place commanding a view of practically the whole of Mangalore and has the direct --

Western breeze from the sea. On its southern and ---- eastern side are the Urva Maidan and the rifle range. As the place is within a hundred yards from Pentland Petah it was strongly urged on behalf of the claimants that recent sales in Pentland Petah should be taken as valuable guides in arriving at the market value of the land. For that purpose Exhibits I, II and V were produced by the claimants and Messrs. P.S. Pais, a retired deputy Collector and John P. Sequiera, a former official Receiver were examined as Rws 2 and 3. With reference to the sale deeds Exhibits III and IV brought about by them from their experience of the suit locality almost from their child-hood and also from their experience of sales of land in Mangalore Town, Rws 2 and 3 have given their opinion that Rs.4000-0-0 per acre would be a fair and reasonable price for the suit plot. Their evidence cannot be lightly brushed aside.

3) The recent sales of plots in Pentland Petah being sales of plots in the vicinity have to be carefully considered. In Exhibit V the latest auction of the plots near the protestant cemetry the bids went up to Rs.6000/- per acre. In Exhibit III which is a sale deed of a plot not far off from the plot acquired the price reserved is about Rs.5100-0-0 per acre. Electricity is within easy reach of this plot, as one of the electric poles is on the outer edge of the compound of the claimants and within 100 yards of the plot acquired.

4) Taking all these facts into consideration the -- Subordinate Judge has fixed the value of the plot as --- Rs.3000/- per acre especially in view of the evidence let in on behalf of the Government of Dewan Bahadur U. Rama Rao and the sale deeds taken by him. I do not think that it will be possible to successfully contend in appeal that the said valuation is excessive.

5/ If after going through the papers you are of opinion that an appeal should be preferred I shall prepare the -- necessary grounds of appeal and send them over to you.

Your obedient servant,

Sd/- K. Sadashiva Rao,

(True copy)

For Collector.

6-3-57

M 3

7

J. S

A. S (sett)

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ...		
When copied ...		
When examined..		
When signed ...		
When despatched.		

SUBJECT :—

Suit - Land Acqn - (South Kanara) - Mangalore TR - Kodicalkail 'A' Village - Site for the bungalow of the Dt Supdt. of Police of South Kanara - L.A.C No 7/36

READ AGAIN _____, dated Sub-court South Kanara 19— Appeal not necessary - Colln informed.

" " _____ " _____ 19____

READ *ALSO* :—

P/G No. A 895/37 From the Colln South Kanara Rev. Dept. No. 4402-35 dated 6.3.1937.

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

~~Order~~ / Resolution ~~Ms.~~ / ~~Rout.~~ No. 948, dated 19.3.1937.

Note

to the details of the Case vide

pp. 3-5 Cf.

The Bd agrees with the Colln of South Kanara that it is not necessary to file an appeal against the decision in L.A.C No. 7/36 on the file of the Subordinate Judge of South Kanara.

hw 15/3-37

15.3.37

Issue urgent. 19.3.37

To the Colln of South Kanara with certified copies of the judgment and decree in L.A.C 7/36, of the Subordinate Judge of South Kanara.

(H) Dertw

As to secure the arrears.

hw 19.3.37

End given to Depdt. hw 23.3.37

Joint Secy. 19 MAR 1937

Note. Pl. see the opinions of the Colln and the Govt. P in the last sentence of para 2 at p1 cf and para 4 at p4 cf respectively. There is no question of law involved in this case. On the question of fact the Govt are not likely to succeed. The Colln has not reported the latest date for filing the appeal.

hw 15.3.37

15/3/37

16/3/37

J.S. 16/3

17/3

17/3